



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATE : 04.12.2020
CORAM

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.650 of 2020

and

Crl.M.P.(MD)No.6409 of 2020

Muthumani

.. Petitioner

Vs.

State through
The Inspector of Police,
Ammamet Police Station,
Thanjavur District.
Crime No.954 of 2020

.. Respondent

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records relating to the order passed by the Special Court under the Mines and Minerals (D&R) Act, 1957, Thanjavur, (In the Court of Principal Sessions Judge, Thanjavur) in Cr.M.P.No.3040 of 2020, dated 21.09.2020 set aside the same and allow this revision petition.

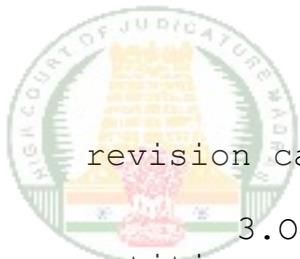
For Petitioner : Mr.R.Maheswaran

For Respondent : Mrs.S.Bharathi
Government Advocate (Crl. Side)

ORDER

This revision has been filed to set aside the order passed in Cr.M.P.No.3040 of 2020, dated 21.09.2020, on the file of the Special Court under the Mines and Minerals (D&R) Act, 1957, Thanjavur, (In the Court of Principal Sessions Judge, Thanjavur) to grant interim custody of vehicle / Mahindra Bolero Maxi Truck bearing Registration No.TN-49-BS-1841 to the petitioner.

2. The petitioner claims to be the owner of the vehicle / Mahindra Bolero Maxi Truck bearing registration No.TN-49-BS-1841, which was seized by the respondent Police in Crime No.954 of 2020 for the offence under Section 379 I.P.C r/w. 21(1) of Mines and Minerals (Development and Regulation) Act. The petitioner has filed a petition in Cr.M.P.No.3040 of 2020 before the Special Court under the Mines and Minerals (D&R) Act, 1957, Thanjavur, (In the Court of Principal Sessions Judge, Thanjavur) for return of the vehicle. That petition was dismissed by the trial Court, on 21.09.2020. Against which, the petitioner has preferred this



revision case.

3. On the side of the petitioner, it is stated that the petitioner is the owner cum driver of the vehicle and he has already deposited a sum of Rs.10,000/- (Rupees Ten Thousand only) to the Cancer Institute (WIA), Adyar, Chennai, for getting anticipatory bail. Merely because, the investigation is preliminary stage, that petition was dismissed by the Special Court and prayed the vehicle to be returned to the petitioner.

4. On the side of the respondent, it is stated that the petitioner's vehicle was used for illegal transportation of one unit of river sand and the investigation is at the preliminary stage. If the vehicle is returned to the petitioner again, there is possibility for the vehicle being used for commission of similar offence and prayed the petition to be dismissed.

5. It is seen that the vehicle was seized by the police on 10.07.2020. If the vehicle is kept in the open space, the value of the vehicle will be deteriorated. In the above circumstances, this Criminal Revision Case is allowed and the order of the Special Court under the Mines and Minerals (D&R) Act, 1957, Thanjavur, (In the Court of Principal Sessions Judge, Thanjavur) in Cr.M.P.No.3040 of 2020, dated 21.09.2020, is set aside and the Special Court under the Mines and Minerals (D&R) Act, 1957, Thanjavur, (In the Court of Principal Sessions Judge, Thanjavur) is directed to return the vehicle to the petitioner for interim custody subject to the confiscation proceedings on the following conditions:

(i) The petitioner shall deposit the original Registration Certificate of the vehicle with the learned Sessions Judge, Madurai;

(ii) The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.954 of 2020 on the file of the Special Court under the Mines and Minerals (D&R) Act, 1957, Thanjavur, (In the Court of Principal Sessions Judge, Thanjavur) within a period of three weeks from the date of receipt of a copy of this order;

(iii) The petitioner is directed to execute a bond for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) with two sureties, each for a like sum to the satisfaction of the Special Court under the Mines and Minerals (D&R) Act, 1957, Thanjavur, (In the Court of Principal Sessions Judge, Thanjavur).

(iv) The petitioner shall not alienate and make any alteration in the vehicle;



(v)The petitioner shall produce the vehicle before the Court and before the respondent as and when required and this order is subject to the final order to be passed in the confiscation proceedings.

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Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Ls

Note : In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Principal Sessions Judge, Special Court under the Mines and Minerals (D&R) Act, 1957, Thanjavur,
- 2.The Inspector of Police, Ammapet Police Station, Thanjavur District.
- 3.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-23999[F] dated 04/12/2020)

Crl.R.C. (MD)No.650 of 2020

04.12.2020

KM(CO)

AP(10/12/2020) 3P 5C